IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 12749 of 2005

Between:

1 Bayapalli Kusuma Kumari, W/o.Babu Rao,
R/o.Madhuravada vilage, Visakhapatnam Rural Mandal,
Visakhapatnam District.
2 Bayapalli Babu Rao, S/o.Krishna Rao
R/o.Madhuravada vilage, Visakhapatnam Rural Mandal,
Visakhapatnam District.

..... PETITIONERS

AND

1 The Vice Chairman, Visakhapatnam Urban Development Authority.
2 The Executive Engineer, Zone-IV, Visakhapatnam Urban Development Authority.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in taking steps to widen the road leading from Nagarappalem village to National Highway No.5, thereby effecting the petitioners' Land in Sy.No.51/1 of Madhuravada village of Visakhapatnam Rural Mandal, Visakhapatnam District without initiating land acquisition proceedings and without payment of compensation, as illegal and arbitrary and consequently direct the respondents not to take possession of the petitioner's lands without initiating land acquisition proceedings and paying compensation and pass such other order or orders as this Hon'ble court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.P.ROY REDDY

Counsel for the Respondent No.: MR.V.PREETI REDDY

The Court at the stage of admission made the following :

ORDER:

Heard both sides.

In this Writ Petition, petitioners are seeking a Writ of Mandamus, declaring the action of the respondents, in taking steps to widen the road leading from Nagarappalem Village to National Highway No. 5, thereby affecting the petitioners' land in S.No. 51/1 of Madhuravada Village of Visakhapatnam Rural Mandal, Visakhapatnam District without initiating land acquisition proceedings and without payment of compensation, as illegal and arbitrary and consequently direct the respondents not to take possession of the petitioners' lands without initiating land acquisition proceedings and paying compensation.

Without going into the merits of the case, I deem it appropriate to direct the respondents to follow the guidelines issued by the Division Bench in PILLI LAKSHMANA RAO AND OTHERS VS. EXECUTIVE OFFICER, GRAM PANCHAYAT, CHALLAPALLE AND OTHERS before acquiring the land in S.No. 51/1 of Madhuravada Village of Visakhapatnam Rural Mandal, Visakhapatnam District

Accordingly, the Writ Petition is disposed of. No order as to costs.

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E. DHARMA RAO, J

DATED: 16/06/2005

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To

1 The Vice Chairman, Visakhapatnam Urban Development Authority.
2 The Executive Engineer, Zone-IV, Visakhapatnam Urban Development Authority.

3. Two CD copies.